


Application Number 	Application/Control No. 10/809,991	Applicant(s)/Patent under Reexamination DANEK ET AL.	

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REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)
ASTXNA00402

In re Application of: Christopher J. DANEK et al.

Application No.: 10/809,091

Filed: March 28, 2004

For: METHODS OF TREATING REVERSIBLE OBSTRUCTIVE PULMONARY DISEASE

The owner*, Asthmatix, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/840,067 filed on August 13, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,280

S. S. B.
Signature

June 8, 2007

Date

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(u) is included.

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